

**AUGUST 26, 2003**

**REGULAR SESSION**

**7:00 P.M.**

The Regular Session Meeting was called to order at 7:00 P.M. by Mayor Ferguson with Councilmembers Simillion, Stone, Smits, and Duba present, along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Community Development Director Hannon, Parks & Recreation Director Ampietro, Finance Director Hanson, Public Works Director Coleman, Officer Rob Whiting, the Gunnison Metropolitan Recreation Board, many interested citizens and the press.

Mayor Ferguson asked to add an agenda item E. under New Business: "Two Wind-Generated Contracts" on this evenings Regular Session agenda. Council agreed to add the item.

**Consideration of Minutes:**

**Regular Session Minutes of August 12, 2003**

Councilmember Simillion moved and Councilmember Duba seconded the motion to approve the Regular Session Minutes of August 12, 2003, as submitted.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**Representatives from Habitat for Humanity, Re: Blitz Build 2003.** Dee Blacklock, with Habitat for Humanity, came forward and addressed Council. Ms. Blacklock informed Council that Habitat is building their sixth house on South 12<sup>th</sup> Street. The house will be built in one day, on Saturday, September 27. Work starts at 7:00 A.M. Last year, the contractors only took 11 hrs. and 37 minutes to complete the house. They are hoping to improve their time this year. In Council's packets, Council received a schedule for the blitz build. Ms. Blacklock asked Council to come down and join them on September 27<sup>th</sup>. There are many different ways that people can volunteer to help. It is an all day event. Councilmembers Stone and Duba stated they will be there. Ms. Blacklock then thanked Council for all they have done for the Habitat for Humanity Program. Mayor Ferguson thanked Ms. Blacklock and all of the Habitat for Humanity volunteers for everything they have done for the community. Councilmember Simillion asked if this the last lot. Ms. Blacklock stated yes, on this street. They are looking at property in Crested Butte and possibly property from the County in the Rock Creek Village area for future building sites.

**Unfinished Business:** None.

**New Business:**

**Site Selection for Community Center/Aquatics Facility.**

The City Council and the Gunnison Metropolitan Recreation District met in a Work Session prior to this Regular Session to discuss this item.

The Gunnison Metropolitan Recreation District Board opened their Special Session meeting at 7:23 P.M. They are holding their meeting in conjunction with the City Council Regular Session.

The Metropolitan Recreation District Board held their vote to select the site for the proposed community center/aquatics facility. The site designated as the Contour Site was approved unanimously by their Board.

The Gunnison City Council then held their vote for the site of the proposed community center/aquatics facility.

Councilmember Duba moved and Councilmember Smits seconded the motion to select the site known as the Contour Site, as the site of the community center, to be co-located with the aquatics center.

Mayor Pro Tem Stone stated that Council needs to be very favorable towards the ballot initiative that is going to the ballot in November. As individuals, all of Council, need to show their support.

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Councilmember Duba stated he echos what Councilmember Stone said. It is essential that Council and the Met Rec Board have a united front for the ballot initiative in November.

Councilmember Smits stated Council was elected to do the best for the community and he feels that this decision will go towards that end.

Mayor Ferguson thanked everyone for their input and their work on getting the issue to this point.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.  
Roll call vote, no: None.

Gunnison Metropolitan Recreation Board President Steve Bathje thanked City Council for their work on getting this issue underway.

Citizen Joy Hart thanked both boards for working together to get the facility underway.

**Request for Funds for Architectural Drawings for Community Center/Aquatics Facility.** Dan Ampietro came forward and informed Council, in their packets, they received a list of what proposed costs will cover. The components will stay the same, however the design will change to reflect the combined community center/aquatics facility. The combined units will be the lobby, lockers, janitorial, hallways, and offices. The offer to provide this service was also extended to Patrick Davis, but he is not interested at this time. The cost to the City is \$4,900.00. Director Ampietro explained the funds are in the line item in the Conservation Trust Fund for architectural services. The City will be co-oping with the Met Rec Board.

Councilmember Duba stated the design will be invaluable in presenting the proposed plan to the voters prior to the ballot in November.

City Manager Collins stated he has the authority to expend those funds. However, he would like to run this by the Council. The expenditure can be done under the City's Purchasing & Bid Policy. The City Manager's recommendation is to go ahead with this drawing. It needs to be shown as a unified drawing for the public and the voters.

Councilmember Stone moved and Councilmember Smits seconded the motion to expend \$4,900.00 to Chris Carvell Architects, PC, for conceptual drawings of the proposed community center/aquatics facility.

Councilmember Duba stated this shows the public how the City and the Met Rec Board will work together to share costs on this project.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.  
Roll call vote, no: None.

**Application for Modification of Premises from Gram Boys, LLC dba Peace Pub, 216 N. Main Street.** The applicant, Lucas Gram came forward. City Clerk Davidson explained to Council she had received an application from Lucas Gram of Gram Boys, LLC., dba Peace Pub, 216 N. Main Street, to modify their premises by adding an enclosed patio at the rear of the existing licensed premises. The City Clerk further explained this type of application is generally handled through the Clerk's Department, however, in light of the negative comments regarding the application received from the Gunnison Police Department, she has forwarded the application onto City Council for approval or denial. This allows Mr. Gram to explain his situation to Council in open forum.

Mr. Gram informed Council he has been in contact with his landlord and the modification to the lease, allowing him to occupy the full area as outlined on the diagram is in the works, but he doesn't have the lease completed at this time.

City Attorney Landwehr stated the application can not be approved until the lease is corrected.

Councilmember Stone asked Mr. Gram if was aware of the Police Department concerns. Mr. Gram stated he was and doesn't feel like his establishment has any more problems than any other establishment. Mr. Gram stated he would be willing to meet with the Police Department to work out solutions to any problems.

Mayor Ferguson suggested Mr. Gram meet with the Police Department to come up with solutions to the problems at the Peace Pub. The Mayor requested Mr. Gram bring back to Council a letter from the Police Chief stating the issues had been addressed by both parties. Mr. Gram agreed and thanked Council for their consideration.

**Approval of LEAF Grant Application in the Amount of \$10,000.** Police Supervisor Whiting came forward and stated this is the application he outlined to Council at the Work Session prior to this Regular Session.

Councilmember Smits moved and Councilmember Simillion seconded the motion to approve the LEAF Grant Application in the Amount of \$10,000 and authorize the Mayor to sign the application and the letter of support.

Councilmember Stone asked what is the split on the funds being spent. Officer Whiting responded the lion share of the funds are spent for DUI enforcement. However, they do maybe a 90:10 enforcement to education split. Councilmember Stone asked that if the enforcement level ever decreased for two years in a row would the entity still get grant funding. Officer Whiting replied the State really doesn't look at the downward trend. He noted that even under-performing departments seem to get funding. Councilmember Stone stated the funding seems to be an incentive to be a quota system. Officer Whiting responded since it is just overtime that goes towards the grant it doesn't reflect the education portion that occurs while an officer is on duty. Councilmember Stone asked for a 10 year summary of the DUI enforcement records and for Officer Whiting to ask the State funding people if a department shows a downward trend for several years, if they would be denied funding. Office Whiting agreed to get that information.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson So carried.

Roll call vote, no: None.

**Two Wind Generated Power Contracts: Contract between the City and Western State College to provide to and receive payment for wind-generated power; and Contract between the City and Municipal Energy Agency of Nebraska for the City to purchase wind-generated power.** Public Works Director Coleman came forward and explained to Council these are the two contracts that were discussed at last week's Work Session and he would be happy to answer any questions Council might have. Council had no questions.

Councilmember Stone moved and Councilmember Simillion seconded the motion to accept Staff's recommendation, approve the two contracts and authorize the Mayor to sign the two contracts.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

**Ordinance and Resolutions:** None.

**City Attorney:** Nothing to report.

**City Manager:** City Manager Collins reported 1. The new Tourism Association Director Jane Chaney has brought forward an opportunity for the area concerning a company doing a nation-wide marketing series for CNBC. The Gunnison area is being considered. One of the key producers is familiar with the Crested Butte area. There would be a production team in the Gunnison area in September. The split of a licensing fee would be \$4,875. The licensing fee is to allow for ownership

of the video distribution. This has landed in our lap and is a great opportunity. Some of this money could come out of the Gunnison Valley Economic Development Corporation monies budgeted in 2003. The City Manager talked with Kathleen Ayers and she seems favorable since the videos would be used for economic development. We need to move quickly to have the team here in September. Councilmember Duba asked if this project would be favorable to the community. The City Manager stated yes, it would reflect the pro-active projects the community has done, such as helping the college with recruiting funds and the passage of Initiatives 1A and 1B. Councilmember Smits stated since the GVEDC is agreeable, it seems like a good way to channel that money that was budgeted. The City Manager further stated our area is their small community selection. Several communities in Arizona have also been considered. 2. At WSC President's Advisory Council meeting this morning, the condition of the WSC track was discussed. It is in very poor shape. The College is targeting fundraising of \$600,000 to upgrade the track. An individual has staked 75% of the funds and they are attempting to raise the remaining funds. The City could assist with the demolition work by using the Public Works Department to do the prep work and this would be in-kind services. We could assist with the work this fall in anticipation of the rebuilding work being done in the spring. It is a community track as well. Citizens use it as well as GHS athletes for track races. Mark will get more information to Council as it becomes available. 3. We participated in the WOW event this weekend. It was a great event and was well received. Councilmember Simillion stated in his talking with business owners, they stated it was a great weekend.

**Acting City Manager:** Community Development Director Colleen Hannon informed Council that the second of her yearly reports was in their packets. The report included updates from the Community Development, Building and Fire Marshal's office. There is also an update of the Planning & Zoning Commission and a sampling of the amendments to the Land Development Code (LDC) that have occurred over the last 5 years. These amendments occurred because of requests from citizens or due to federal mandates. The building report will come out next week.

Councilmember Stone stated at Council's retreat they had identified changes to the LDC as a priority. He stated he has re-thought that process. From the Director's report, it seems like it is a fluid document. He asked whether the Master Plan update needs to be done prior to the revision of the LDC. Director Hannon responded the Master Plan is 10 years old and its land use section is very outdated. She suggested the Master Plan be addressed and then LDC changes could then be made in response to the Master Plan revisions. The Master Plan is a high priority to her. Councilmember Smits asked if the City's Charter specified that the Master Plan has priority. Director Hannon stated the Charter only states the Planning & Zoning Commission is responsible for the Master Plan.

Discussion ensued. Mayor Ferguson, in summing up the discussion, stated he likes the suggestion that the Master Plan be reviewed with changes to the LDC being kept in mind. The question is truly land use and the Plan will determine what the community wants to see happen. As the Master Plan is developed, changes to the LDC regarding land use changes can be made. This is a blended approach.

Director Hannon stated this blended process will come up in the budget discussion. Discussion on using a consultant versus using Staff to conduct the update ensued with no decision being made.

**City Clerk Davidson:** Reminded Council the City Employee Picnic will be held Monday evening, September 8<sup>th</sup>, at 5:30 P.M. at the Jorgensen Shades Pavilion. Council and their families are welcome to attend. Members of the City Boards and Commissions have been invited as well.

**Non-Scheduled Citizens:** Gunnison Main Street Director Bruce Hyde came forward and thanked Council, Staff, and the Public Works Department for all of their work on the WOW event. It was a great partnership between the City, County, WSC and the downtown businesses. The event was a phenomenal success. He especially thanked the Western State students for all of their input and help in putting on the event. They hope to build it bigger next year. Council thanked Mr. Hyde for all of his work on the event. Mr. Hyde stated that WSC has asked the Main Street group to participate in the WSC homecoming parade event as well. They had 25 student volunteers to help with the event.

**General Discussion/Items for Work Sessions:**

**Councilmember Duba:** Stated he will be out of town and will miss the Regular Session meeting on September 9th.

**Councilmember Simillion:** Stated he was not happy with Michael Fornasiero's letter in the newspaper that criticized the City and about him using City of Gunnison in his signature. Discussion ensued. Councilmember Smits stated he agrees that Mr. Fornasiero shouldn't use the City of Gunnison since he is not representing the City of Gunnison in his comments. Councilmember Stone stated whether or not his comments or pro or negative, in order to use City of Gunnison in his signature, he would have to have approval of the Planning Commission or City Council to represent those views. Using the City of Gunnison in his signature implies the letter represents the City. Councilmember Simillion suggested a letter be written by the City Manager from City Council telling Mr. Fornasiero not to use the City of Gunnison under his name in any future letters unless he is authorized to do so by the Planning Commission or City Council.

Councilmember Simillion moved and Councilmember Smits seconded the motion to direct the City Manager to prepare such a letter for the Mayor's signature.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

Councilmember Simillion further stated the City has done a super job with the paving and the slurry seal projects. The streets look great. City Manager Collins added his thanks to the citizens on their assistance in getting the projects done. Councilmember Stone stated the contractor has done a great job in notifying the citizens of the street closures.

**Councilmembers Smits:** Asked about a City Council WSC intern. City Clerk Davidson responded she has been working with Professor Neimi at WSC to contact interested students.

**Mayor Pro Tem Stone:** Nothing to report.

**Mayor Ferguson:** Stated he attended the Car Show last weekend and, it was the largest yet. It was well attended. The Car Show organizers need to be recognized for all of the great impact on the community.

**Adjournment:** The meeting adjourned at 8:37 P.M.

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Mayor

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City Clerk